

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JULIE CARTER,)	
)	
Plaintiff,)	4:08CV3085
)	
v.)	MEMORANDUM
)	AND
STEPHEN BAILEY and)	ORDER TO SHOW CAUSE
KEITH YARBROUGH,)	
)	
Defendants.)	
_____)	

This case was filed April 22, 2008 with the filing of a complaint. Summons was issued that day for service upon the defendants. There is nothing in the case file indicating that defendant Yarbrough was ever served. [Fed. R. Civ. P. 4\(m\)](#) gives a plaintiff 120 days to serve a defendant with process, and that time has long since passed.

IT THEREFORE HEREBY IS ORDERED,

Plaintiff is given ten days from this date to show cause, if any there be, why this matter should not be dismissed as to defendant Keith Yarbrough for failure to timely serve summons.

DATED this 17th day of December, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge